

AMERICAN SAFETY CASUALTY INSURANCE COMPANY

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

-----X
DR. FADI CHAABAN, DR. SABINO R. TORRE, DR.
CONSTANTINOS A. COSTEAS, and DR. ANTHONY J.
CASELLA as Trustees of Diagnostic & Clinical
Cardiology, P.A. Profit Sharing Plan,

BOND NO. ASB-528655

Plaintiffs,

SUPERSEDEAS BOND

-against-

2:08-cv-01567 (GEB/MCA)

DR. MARIO A. CRISCITO,
Defendant.

-----X
WHEREAS, DR. MARIO A. CRISCITO, Appellant, has prosecuted an appeal to the United States Court of Appeals for the Third Circuit from the Final Judgment (Compensatory Damages) dated the 31st day of March 2011 and entered the 1st day of April 2011, against the said Appellant, and in favor of the Plaintiffs, DR. FADI CHAABAN, DR. SABINO R. TORRE, DR. CONSTANTINOS A. COSTEAS, and DR. ANTHONY J. CASELLA as Trustees of Diagnostic & Clinical Cardiology, P.A. Profit Sharing Plan ("Plaintiffs"), in the sum of FOUR MILLION ONE HUNDRED SEVENTEEN THOUSAND FOUR HUNDRED SIXTY FOUR AND 65/100 (\$4,117,464.65) DOLLARS and a Final Judgment (Attorneys' Fees and Costs) based on Plaintiffs' application for legal fees and costs against the said DR. MARIO A. CRISCITO, and in favor of the Plaintiffs, DR. FADI CHAABAN, DR. SABINO R. TORRE, DR. CONSTANTINOS A. COSTEAS, and DR. ANTHONY J. CASELLA as Trustees of Diagnostic & Clinical Cardiology, P.A. Profit Sharing Plan, in the sum of NINE HUNDRED THOUSAND AND 00/100 (\$900,000.00) DOLLARS when and if granted will be appealed.

NOW, THEREFORE, AMERICAN SAFETY CASUALTY INSURANCE COMPANY, duly authorized to transact business in the state of New Jersey and having an office and principal place of business for the State of New Jersey at 106 Apple Street, Suite #101B, Tinton Falls, NJ 07724, as Surety, and DR. MARIO A. CRISCITO, as Principal, do hereby undertake and promise to pay Plaintiffs all damages, costs, attorneys' fees and interest that may be awarded to them following any appeal in this matter up to the sum of FIVE MILLION FIVE HUNDRED SIXTY NINE THOUSAND THREE HUNDRED EIGHTY SIX AND 00/100 (\$5,569,386.00) DOLLARS, if

- a) The Appeal from any Final Judgment (i.e. the Final Judgment (Compensatory Damages)) and/or the Final Judgment (Attorneys' Fees and Costs) in this matter is affirmed;
- b) The Appeal from any Final Judgment (i.e. the Final Judgment (Compensatory Damages)) and/or the Final Judgment (Attorneys' Fees and Costs) in this matter is dismissed; or
- c) if DR. MARIO A. CRISCITO fails to promptly pay all sums awarded against him in or following any Appeal from any Final Judgment (i.e. the Final Judgment (Compensatory Damages)) and/or the Final Judgment (Attorneys' Fees and Costs) in this matter, including any attorneys' fees and costs that the United States Court of Appeals for the Third Circuit may award.

IF DR. MARIO A. CRISCITO pays all sums awarded against him on appeal, then this obligation will become void. Otherwise, this obligation will remain in full force and effect.

PROVIDED, HOWEVER, that under no condition shall the liability hereunder exceed the sum of FIVE MILLION FIVE HUNDRED SIXTY NINE THOUSAND THREE HUNDRED EIGHTY SIX AND 00/100 (\$5,569,386.00) DOLLARS.

DATED, New York, May 20, 2011

AMERICAN SAFETY CASUALTY INSURANCE COMPANY

By: 

WILLIAM J. PEDERSEN

Attorney-In-Fact

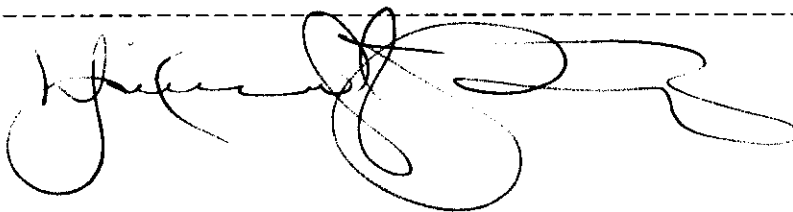
SURETY ACKNOWLEDGEMENT

STATE OF NEW YORK
COUNTY OF NEW YORK

| SS:
|

On this 20TH day of May in the year 2011, before me personally came **WILLIAM J. PEDERSEN**, to me known, who being by me duly sworn, did depose and say that he resides in New York, NY; that he is Attorney-in-Fact of **AMERICAN SAFETY CASUALTY INSURANCE COMPANY**, the corporation described in and which executed the above instrument; that he knows the seal affixed to said instrument is such corporate seal; that it was affixed by order of the Board of Directors of said corporation, and that he signed his name thereto by like order.

MICHAEL KEATING
Notary Public, State of New York
Reg. No. 01-KE-4851559
Qualified in New York County
Commission Expires February 3, 2014





NUMBER
ASB-528655

POWER OF ATTORNEY

KNOW ALL MEN BY THESE PRESENTS, that American Safety Casualty Insurance Company has made, constituted and appointed, and by these presents does make, constitute and appoints
WILLIAM J. PEDERSEN & CAROLYN OFFENHARTZ OF NEW YORK

its true and lawful attorney-in-fact, for it and its name, place, and stead to execute on behalf of the said Company, as surety, bonds, undertaking and contracts of suretyship to be given to

ALL OBLIGEEES

provided that no bond or undertaking or contract of suretyship executed under this authority shall exceed in amount the sum of

*****SIX MILLION*** (\$6,000,000.00) DOLLARS*****

This Power of Attorney is granted and is signed and sealed by facsimile under and by the authority of the following Resolution adopted by the Board of Directors of the Company of the 6th day of August, 2009.

RESOLVED, that the President in conjunction with the Secretary or any Assistant Secretary may appoint attorneys-in-fact or agents with authority as defined or limited in the instrument evidencing the appointment in each case, for and on behalf of the Company, to execute and deliver and affix the seal of the Company to bands, undertakings, recognizances, and suretyship obligations of all kinds; and said officers may remove any such attorney-in-fact or agent and revoke any power of attorney previously granted to such persons.

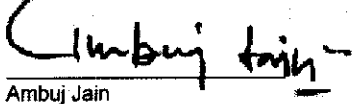
RESOLVED FURTHER, that any bond, undertaking, recognizance, or suretyship obligation shall be valid and binding upon the company when:

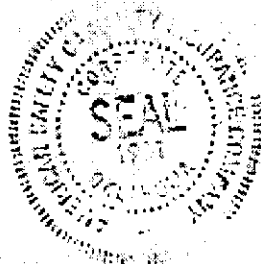
(i) when signed by the President or any Vice-President and attested and sealed (if a seal is required) by any Secretary or Assistant Secretary or (ii) when signed by the President or any Vice-President or Secretary or Assistant Secretary, and counter-signed and sealed (if a seal is required) by a duly authorized attorney-in-fact or agent; or (iii) when duly executed and sealed (if a seal is required) by one or more attorney-in-fact or agents pursuant to and within the limits of the authority evidenced by the power of attorney issued by the Company to such person or persons.

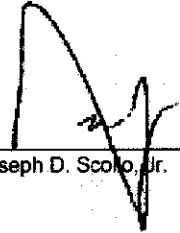
RESOLVED FURTHER, that the signature of any authorized officer and the seal of the Company may be affixed by facsimile to any power of attorney or certification thereof authorizing the execution and delivery of any bond, undertaking, recognizance, or other suretyship obligations of the Company; and such signature and seal when so used shall have the same force and effects as though manually affixed.

IN WITNESS WHEREOF, American Safety Casualty Insurance Company has caused its official seal to be hereunto affixed, and these presents to be signed by its President and attested by its Secretary this 6th day of August, 2009

Attest:


Ambuj Jain



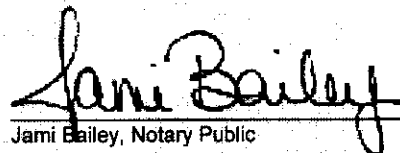

Joseph D. Scollo, Jr.

STATE OF GEORGIA)

COUNTY OF COBB)

On this 6th day of August, 2009, before me personally came Joseph D. Scollo, Jr., to me known, who, being by me duly sworn, did depose and say that he is the President of American Safety Casualty Insurance Company, the corporation described in and which executed the above instrument; that he knows the seal of the said corporation; that the seal affixed to the said instrument is such corporate seal; that it was so affixed by order of the Board of Directors of said corporation and that he signed his name thereto by like order.

JAMI BAILEY
Notary Public, Hall Co., GA
My Commission Expires Aug. 13, 2012

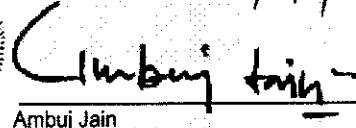

Jami Bailey, Notary Public

I, the undersigned, Secretary of American Safety Casualty Insurance Company, an Oklahoma corporation, DO HEREBY CERTIFY, that the foregoing and attached Power of Attorney remains in full force and has not been revoked; and furthermore that the Resolution of the Board of Directors, set forth in the said Power of Attorney, is now in force.

Signed and sealed in the City of Atlanta, in the State of Georgia

Dated this 20th day of MAY 2011




Ambuj Jain



American Safety Casualty
Insurance Company
100 Galleria Parkway SE
Suite 700
Atlanta, GA 30339

Toll Free: 800.388.3647
Tel: 770.916.1908
Fax: 770.955.8339

www.amsafety.com

American Safety Casualty Insurance Company

Statement of December 31, 2010

Admitted Assets

Bonds	\$89,117,575
Stocks	55,414,351
Cash	1,434,368
Short-term investments	1,377,783
Investment income due and accrued	934,928
Agents and premium balances	24,521,938
Reinsurance recoverable	7,465,453
Current federal and foreign income tax	814,229
Net deferred tax asset	2,322,358
Receivable from affiliates	2,369,931
Other admitted assets	<u>1,420,649</u>

Liabilities, Capital and Surplus

Unpaid losses and loss expenses	\$59,486,098
Reinsurance payable	3,721,934
Reserve for underwriting expenses	816,063
Reserve for unearned premiums	19,022,473
Ceded reinsurance premiums payable	13,979,778
Provision for reinsurance	1,594,762
Payable to affiliates	2,671,820
Other liabilities	<u>6,963,235</u>
Total Liabilities	108,056,161
Capital Stock	2,000,000
Surplus notes	2,500,000
Special surplus funds	47,478,193
Unassigned funds	<u>27,159,209</u>
Policy holder surplus	<u>79,137,402</u>

Total 187,193,563

Total \$187,193,563

Securities have been valued on the basis permitted by the National Association of Insurance Commissioners

STATE OF GEORGIA

COUNTY OF COBB

Ambuj Kumar Jain, Secretary and Joseph D. Scollo, President, being duly sworn each himself deposes and says that they are the above described officers of the American Safety Casualty Insurance Company, Oklahoma, that said Company is a corporation duly organized existing and engaged in business as a Surety by virtue of laws of the State of Oklahoma and has duly complied with all the requirements of said state applicable to said Company and is duly qualified to act as Surety under such laws; that said Company has also complied with and is duly qualified to act as Surety under Public Law 97-258 enacted September 13, 1982 (96 STAT. 1047 as amended: 31 U.S.C. 9304-9308); that to the best of my knowledge and belief the above statement is a full, true and correct Statement of Assets and Liabilities of the said Company as of December 31, 2010.

Subscribed and sworn to before me

This 21 day of March, 2011



In California d/b/a
ASIG Insurance Services

Secretary

President

ASI
NYSE